

AUG 05 2004

United States District Court
District of Hawaii

CC: USA
USM
PTC
UNITED STATES OF AMERICA
V.
USPO
BRIAN RALEY
(Defendant's Name)

at 8 o'clock and 00 min. A.M.
WALTER A. Y. H. CHINN, CLERK

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)
(For Offenses committed on or after November 1, 1987)

Criminal Number: **1:02CR00201-005**

USM Number: 89084-022

Arthur E. Ross, Esq.

Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilty to violations of the General Conditions and Special Conditions 1, 3, 4, 5, and 6 of the term of supervision.
☐ was found in violation of condition(s) _____ after denial or guilt.

Violation Number

See next page.

Nature of Violation

Date Violation Occurred

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: **6242**

Defendant's Residence Address:

Defendant's Mailing Address:

July 26, 2004

Date of Imposition of Sentence

Signature of Judicial Officer

HELEN GILLMOR, United States District Judge

Name & Title of Judicial Officer

8-2-04

Date

AO 245 D (Rev. 3/95) Judgment in a Criminal Case for Revocation Sheet I

CASE NUMBER: 1:02CR00201-005

DEFENDANT: BRIAN RALEY

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ADDITIONAL VIOLATION

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1	Urine Specimen submitted on June 22, 2004 tested positive for cocaine, and the offender admitted that he used cocaine on or about June 20, 2004	
2	Failed to participate in a substance abuse program on July 2, 2004, July 7, 2004, and July 9, 2004	
3	Refused to comply with drug testing on June 25, 2004 and July 6, 2004	
4	Failed to participate in a mental health program on June 30, 2004	
5	On or about June 22, 2004, the offender admitted that he failed to take prescription medications ordered by Dr. Myhre	
6	Failed to follow the instructions of the Probation Officer issued on June 10, 2004, June 14, 2004, June 15, 2004, June 18, 2004, June 22, 2004, and June 24, 2004	
7	Failed to notify the Probation Officer 10 days prior to any change in employment	

AO 245B (Rev. 8/96) Sheet 2 - Imprisonment

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of ONE (1) MONTH.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at ____ on ____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before __ on ____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

AO 245B (Rev. 8/96) Sheet 3 - Supervised Release

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THIRTY-SIX (36) MONTHS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

☒ The defendant shall not possess a firearm or ammunition as defined in 18 U.S.C. § 921. (Check if applicable).

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 8/96) Sheet 3 - Supervised Release

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SPECIAL CONDITIONS OF SUPERVISION

- (1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
- (2) That the defendant is prohibited from possessing any illegal or dangerous weapons.
- (3) That the defendant serve 6 months community confinement, in a community corrections center such as Miller Hale, following release from imprisonment as arranged by the Probation Office. While serving the term of community confinement, the defendant may obtain employment and/or enroll in an educational program as approved and directed by the Probation Office. The term of community confinement may be suspended if the defendant enters a residential treatment program as approved by the Probation Office.
- (4) That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- (5) That the defendant is prohibited from the possession of and use of alcohol.